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November 30, 2004

Ms. Marlene Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Presentation – Review of the Section 251 Unbundling Obligations of Incumbent LECs (CC Docket Nos. 01-338, 96-98, 98-147); *Unbundled Access to Network Elements* (WC Docket 04-313)

Dear Ms. Dortch:

On November 29, 2004, Jennifer Phurrough and the undersigned, on behalf of EarthLink, Inc., met with Ms. Jessica Rosenworcel, legal advisor to Commissioner Copps, regarding the above-referenced dockets. EarthLink discussed the status of a line sharing UNE in the pending proceeding to establish permanent UNE rules. EarthLink explained that it continues to purchase DSL that employs line sharing. Further, EarthLink pointed out that reinstatement of the line sharing UNE would contribute to broadband competition and the order would therefore satisfy judicial review.

Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically in each of the above-referenced dockets for inclusion in the public record. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

/s/

Mark J. O'Connor
Counsel for EarthLink, Inc.